



Statement by Senator Feinstein on Federal Court Order to Halt Warrantless Wiretapping Program

August 16, 2006

“A federal judge in Detroit today ruled that the Bush Administration’s warrantless domestic surveillance program is unconstitutional and violates the Foreign Intelligence Surveillance Act (FISA), and she ordered a halt to the program.

As a member of the Senate Select Committee on Intelligence, I was briefed on the operational details of the NSA domestic surveillance program and believe that, with certain small changes, FISA can accommodate the program.

This court ruling upholds the basic principle that even the President is not outside the law and that he has exceeded his constitutional authority by implementing this warrantless domestic surveillance program.

The threat from Al Qaeda and other terrorist groups is very real and it is imperative that we have every legal tool available to prevent another attack on our nation. But it is also vital that our constitution and laws be followed.

That is why I have introduced legislation with Senator Arlen Specter that would bring the surveillance program under the process set forth in FISA. It streamlines FISA’s procedures and authorizes additional resources as necessary to enhance our national security while providing constitutional protections against government intrusions into the privacy of ordinary Americans. It is a balanced bill endorsed by the American Bar Association.

Now, the Federal Judge in Detroit has rejected all of the Administration’s strained legal arguments and issued a ruling that this program violates FISA and is unconstitutional. Because of the Administration’s strategy of brinkmanship, the NSA is staring at a permanent injunction that says this program must be shut down.

While the Administration has already announced it will appeal this ruling and seek a stay on the Judge’s order, I hope Congress will take the initiative and pass this legislation that I have proposed.”

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